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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,425	10/09/2001	Francois Gugumus	PP/I-22262/US/A	6280

324            7590            12/24/2002

CIBA SPECIALTY CHEMICALS CORPORATION  
PATENT DEPARTMENT  
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EXAMINER

SANDERS, KRIELLION ANTIONETTE

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/973,425</b>	Applicant(s) <b>Gugumus et al</b>	
	Examiner <b>Kriellion Sanders</b>	Art Unit <b>1714</b>	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
<b>Period for Reply</b>			
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>three</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p>			
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>			
<b>Status</b>			
<p>1) <input type="checkbox"/> Responsive to communication(s) filed on _____.</p>			
<p>2a) <input type="checkbox"/> This action is FINAL.      2b) <input checked="" type="checkbox"/> This action is non-final.</p>			
<p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p>			
<b>Disposition of Claims</b>			
<p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-12</u> is/are pending in the application.</p>			
<p>4a) Of the above, claim(s) _____ is/are withdrawn from consideration.</p>			
<p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p>			
<p>6) <input checked="" type="checkbox"/> Claim(s) <u>1-12</u> is/are rejected.</p>			
<p>7) <input type="checkbox"/> Claim(s) _____ is/are objected to.</p>			
<p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>			
<b>Application Papers</b>			
<p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p>			
<p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p>			
<p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.</p>			
<p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
<b>Priority under 35 U.S.C. §§ 119 and 120</b>			
<p>13) <input checked="" type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input checked="" type="checkbox"/> None of: 1. <input checked="" type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>			
<p>*See the attached detailed Office action for a list of the certified copies not received.</p>			
<p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p>			
<p>15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>			
<b>Attachment(s)</b>			
<p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p>		<p>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p>	
<p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p>		<p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p>	
<p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>2,3,4</u></p>		<p>6) <input type="checkbox"/> Other: _____</p>	

Art Unit: 1714

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
- 2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rotzinger et al alone, or in view of GB 2,301,106.

Rotzinger et al discloses the stabilization of olefin polymers prepared by polymerization over a transition metallocene catalyst, by utilizing, *inter alia*, a sterically hindered amine. Corresponding to applicant's compounds of formulae AI, AII and AII and B-I, B-II and B-III. Patentee further indicates that metal soaps and metal salts may be added to the compositions as acid scavengers.

See the abstract and col.21 line 17 through col.41, line 49.

The British patent discloses combining compounds of applicant's formulae A-I or AII with compounds of applicant's formula B-I, polymers including polyolefins polymerized with a metallocene catalyst. See the first complete paragraph at page 43 and the claims.

Selection of any of the species of components at their prescribed weight ratios would have been obvious to one of ordinary skill in the art at the time of applicant's invention absent a clear showing of unexpected results attributable to a specific species and ratio. Likewise, in view of the

Art Unit: 1714

structural similarity of all of the HALS disclosed ,substitution of any of the species of HALS of Rotzinger et al with any of the species of HALS of the British reference t obtain their usual light stabilizing properties, would have also been obvious to the ordinary practitioner of this art absent a clear showing of unexpected results attributable to such a variation.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K.Sanders whose telephone number is (703) 308-2435.

*Krellion Sanders*  
KRELLION A. SANDERS  
PRIMARY EXAMINER

ks

December 19, 2002